

REMARKS

Claims 6-30 are currently pending. Claim 10 has been amended to correct a typographical error, and the claim change is not intended to be related to patentability or to narrow the scope of the claim. New generic claim 30 has been added.

The Office Action contains an election of species requirement. In particular, the Office Action states that the application contains claims directed to three patentably distinct species: Species I directed to an embodiment such as illustrated in Figure 7; Species II directed to an embodiment such as illustrated in Figure 9; and Species III directed to an embodiment such as illustrated in Figure 13.

Applicants respectfully elect Species I with traverse. The election is made with traverse insofar it is believed that further examination of all claims would not pose an undue burden on the Examiner. As indicated at M.P.E.P. § 811, "Before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if the restriction is not required." This section is understood to pertain to both restriction practice and election practice. In this instance, the newly presented election requirement purports to restrict examination to one of three embodiments, which would have the effect of reducing the number of claims under examination. However, the Examiner has already substantively examined claims directed to all three embodiments in connection with four separate Office Actions (e.g., claims 6-10 read on Species I, claims 11-14 read on Species II, and claims 15-17 read on Species III). Accordingly, it is not understood how further examination of all claims could pose an undue burden since the Examiner has already substantively examined four times claims directed to all

three identified embodiments. It is believed that the election requirement should be withdrawn for at least this reason.

Should the Examiner maintain the election requirement, Applicants point out that new claim 30, which is generic to both Species I and Species III, has been added herein. New claim 30 recites, *inter alia*, at least one optical system and at least one area sensor, thereby reading upon both Species I and Species III.

Accordingly, Applicants request examination of at least claims 6-10 and 21-26, which read upon Species I, as well as generic claim 30. Upon allowance of generic claim 30, Applicants respectfully request that at least claims 15-17 and 27-29, which read upon Species III, be rejoined and allowed.

Claims 6-10 and 21-16 are believed to be allowable at least for reasons set forth in the Amendment filed on March 8, 2004, which was entered by virtue of the Request for Continued Examination filed on April 1, 2004. New claim 30 is believed to be allowable at least for similar reasons. Favorable consideration on the merits is respectfully requested.

Should there be any questions in connection with this application, the Examiner is invited to contact the undersigned at the number indicated below.

Respectfully submitted,

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